

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

SHMUEL EISENBACK

(b) County of Residence of First Listed Plaintiff **Montgomery**  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

ERNST &amp; YOUNG U.S. LLP

County of Residence of First Listed Defendant **Philadelphia**  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Lane J. Schiff, Esquire  
Console Mattiacci Law LLC, 1525 Locust Street, 9th Floor  
Philadelphia, PA 19102 215-545-7676

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
				<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation
				<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

## V. ORIGIN (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 2000e, et seq. ("Title VII"); 29 U.S.C. § 2601, et seq. ("FMLA"); 43 P.S. § 951, et seq.; Philadelphia Fair Practices Ordinance, Phila. Code §9-1101, et seq. ("PFPO").

## VI. CAUSE OF ACTION

Brief description of cause:  
Plaintiff brings this action against his former employer for unlawful discrimination.

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ in excess of \$75,000

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

April 20, 2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

## APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

**Penn Valley, PA 19072**

Address of Plaintiff:

Address of Defendant: **2005 Market Street, Philadelphia, PA 19103**

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No 

Does this case involve multidistrict litigation possibilities?

Yes No **RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes  No

**CIVIL: (Place  in ONE CATEGORY ONLY)****A. Federal Question Cases:**

- Indemnity Contract, Marine Contract, and All Other Contracts
- FELA
- Jones Act-Personal Injury
- Antitrust
- Patent
- Labor-Management Relations
- Civil Rights
- Habeas Corpus
- Securities Act(s) Cases
- Social Security Review Cases
- All other Federal Question Cases  
(Please specify)

**B. Diversity Jurisdiction Cases:**

- Insurance Contract and Other Contracts
- Airplane Personal Injury
- Assault, Defamation
- Marine Personal Injury
- Motor Vehicle Personal Injury
- Other Personal Injury (Please specify)
- Products Liability
- Products Liability — Asbestos
- All other Diversity Cases

(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, Lane J. Schiff, Esquire,

counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Relief other than monetary damages is sought

DATE: April 20, 2018\_\_\_\_\_  
Attorney-at-Law314179

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 20, 2018\_\_\_\_\_  
Lane J. Schiff, Esquire314179

APPENDIX I

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

SHMUEL EISENACH : CIVIL ACTION

v Plaintiff,  
ERNST & YOUNG U.S. LLP :  
Defendant. : NO.

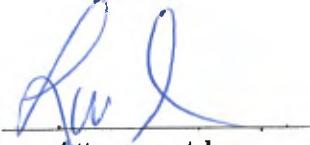
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

April 20, 2018

Date



Lane J. Schiff, Esquire, Attorney for Shmuel Eisenbach

Attorney for Plaintiff

(215) 545-7676

Telephone

(215) 405-2964

FAX Number

[schiff@consolelaw.com](mailto:schiff@consolelaw.com)

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

---

<b>SHMUEL EISENACH</b>	:	
Penn Valley, PA 19072	:	<b>CIVIL ACTION NO.</b>
:		
<b>Plaintiff,</b>	:	
:		
v.	:	
:		
<b>ERNST &amp; YOUNG U.S. LLP</b>	:	
2005 Market Street	:	
Philadelphia, PA 19103	:	<b>JURY TRIAL DEMANDED</b>
:		
<b>Defendant.</b>	:	
:		

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**CIVIL ACTION COMPLAINT**

**I. INTRODUCTION**

Plaintiff, Shmuel Eisenbach, brings this action against his former employer, Ernst & Young U.S. LLP, for unlawful discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), the Family and Medical Leave Act, 29 U.S.C. §2601, *et seq.* (“FMLA”), the Pennsylvania Human Relations Act, as amended, 43 P.S. §951, *et seq.* (hereinafter “PHRA”), and the Philadelphia Fair Practices Ordinance, Phila. Code §9-1101, *et seq.* (“PFPO”). Plaintiff seeks damages, including back-pay, front-pay, compensatory, punitive, liquidated, costs and attorneys’ fees, and all other relief that this Court deems appropriate.

**II. PARTIES**

1. Plaintiff, Shmuel Eisenbach, is an individual and a resident of the Commonwealth of Pennsylvania. He resides in Penn Valley, Pennsylvania.

2. At all times material hereto, Plaintiff was employed for at least twelve hundred and fifty (1,250) hours of service during the (12) month period preceding Defendant's decision to terminate his employment.

3. Defendant, Ernst & Young U.S. LLP, is a corporation, which is maintains a place of business in Philadelphia, Pennsylvania.

4. At all times material hereto, Defendant employed more than fifty (50) employees.

5. At all times material hereto, Defendant acted by and through their authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendant and in furtherance of Defendant's business.

6. At all times material hereto, Defendant was an employer within the meanings of Title VII, the FMLA, PHRA, and PFPO.

7. At all times material hereto, Plaintiff was an employee within the meanings of Title VII, the FMLA, PHRA, and PFPO.

### **III. JURISDICTION AND VENUE**

8. The causes of action that form the basis of this matter arise under Title VII, the FMLA, PHRA, and PFPO.

9. The District Court has jurisdiction over Count I (Title VII) and Count II (FMLA) pursuant to 28 U.S.C. §1331.

10. The District Court has supplemental jurisdiction over Count III (PHRA) and Court IV (PFPO) pursuant to 28 U.S.C. §1367.

11. Venue is proper in the District Court pursuant to 28 U.S.C. §1391(b) and 42 U.S.C. § 2000e-5(f).

12. On or about October 28, 2016, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), complaining of the acts of discrimination alleged herein (“Charge”). Attached hereto, incorporated herein, and marked as Exhibit “A” is a true and correct copy of the EEOC Charge of Discrimination (with personal identifying information redacted).

13. On January 23, 2018, the EEOC issued to Plaintiff a Dismissal and Notice of Rights. Attached hereto, incorporated herein, and marked as Exhibit “B” is a true and correct copy of this notice (with minor redactions for purposes of electronic filing of confidential/identifying information).

14. Plaintiff is filing this complaint within ninety (90) days from his receipt of this notice.

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

#### **IV. FACTUAL ALLEGATIONS**

16. Plaintiff worked for Defendant from in or about June of 2006 until on or about June 1, 2016, the date of his unlawful termination.

17. Plaintiff held the position of Senior Manager and consistently performed his job duties in a competent manner.

18. On February 7, 2016, Plaintiff’s wife gave birth to their child.

19. In connection with the birth of his child, Plaintiff took a leave of absence pursuant to the FMLA from February 8, 2016 through February 22, 2016.

20. On or about May 4, 2016, Plaintiff requested of Defendant to take an additional leave of absence pursuant to the FMLA, in connection with the birth of his child.

21. Merely six (6) days later, on or about May 10, 2016, Defendant informed Plaintiff that his employment had been terminated, effective June 1, 2016.

22. Defendant's articulated reason for Plaintiff's termination was poor performance.

23. However, Plaintiff had consistently received satisfactory performance reviews and had never been disciplined for his performance.

24. Defendant has not terminated other female Senior Managers who took a leave of absence in connection with the birth of a child.

25. Defendant's articulated reason for termination is a pretext.

26. Plaintiff's sex (male) was a motivating and/or determinative factor in the decision to terminate his employment.

27. Plaintiff's use of and/or request for protected leave under the FMLA was a motivating and/or determinative factor in connection with Defendant's decision to terminate Plaintiff's employment.

28. Defendant interfered with Plaintiff's ability to use protected leave.

29. Defendant retaliated against Plaintiff for using and/or requesting protected leave.

30. As a direct and proximate result of the unlawful conduct of Defendant complained of herein, Plaintiff has in the past incurred and in the future will incur a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and/or loss of life's pleasures, the full extent of which is not known at this time.

31. As a direct and proximate result of Defendant's unlawful behavior, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.

32. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of the unlawful behavior complained of herein unless and until this Court grants the relief requested herein.

**COUNT I – Title VII**

33. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

34. By committing the foregoing acts of discrimination against Plaintiff, Defendant violated Title VII.

35. Defendant acted with malice or a reckless indifference to Plaintiff's rights, thereby warranting the imposition of punitive damages.

36. As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has suffered the injuries, damages, and losses set forth herein.

37. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

38. No previous application has been made for the relief requested herein.

**COUNT II - FMLA**

39. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

40. By committing the foregoing acts against Plaintiff, Defendant violated the FMLA.

41. Defendant, by terminating Plaintiff for the use of and/or request for protected leave, has discriminated against Plaintiff, retaliated against Plaintiff, and interfered with Plaintiff's right to use protected leave, in violation of the FMLA.

42. Defendant knew and/or showed reckless disregard as to whether the foregoing acts were in violation of the FMLA, thereby warranting the imposition of liquidated damages.

43. As a direct and proximate result of Defendant's violation of the FMLA, Plaintiff has suffered the injuries, damages, and losses set forth herein.

44. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

45. No previous application has been made for the relief requested herein.

**COUNT III – PHRA**

46. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

47. By committing the foregoing acts of discrimination against Plaintiff, Defendant's violated the PHRA.

48. As a direct and proximate result of Defendant's violation of the PHRA, Plaintiff has sustained the injuries, damages, and losses set forth herein.

49. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

50. No previous application has been made for the relief requested herein.

**COUNT IV - PFPO**

51. Plaintiff incorporates herein by reference the paragraphs above, as if set forth herein in their entirety.

52. By committing the foregoing acts of discrimination against Plaintiff, Defendant has violated the PFPO.

53. Defendant acted willfully and intentionally, and with malice and/or reckless indifference to Plaintiff's rights, thereby warranting the imposition of punitive damages.

54. As a direct and proximate result of Defendant's violation of the PFPO, Plaintiff has sustained the injuries, damages, and losses set forth herein.

55. Plaintiff is entitled to all costs and attorneys' fees incurred as a result of the unlawful behavior complained of herein.

56. No previous application has been made for the relief requested herein.

**RELIEF**

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendant's improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- a. declaring the acts and practices complained of herein to be a violation of the Title VII;
- b. declaring the acts and practices complained of herein to be a violation of the FMLA;
- c. declaring the acts and practices complained of herein to be in violation of the PHRA;
- d. declaring the acts and practices complained of herein to be in violation of the PFPO;
- e. enjoining and restraining permanently the violations alleged herein;
- f. awarding Plaintiff back-pay;
- g. awarding Plaintiff front-pay;
- h. awarding interest;

- i. awarding compensatory damages to Plaintiff for past and future emotional upset and pain and suffering;
- j. awarding liquidated damages;
- k. awarding punitive damages;
- l. awarding Plaintiff the costs of this action, together with reasonable attorneys' fees;
- m. awarding Plaintiff such other damages as are appropriate under Title VII, the FMLA, PHRA, and PFPO; and
- n. granting such other and further relief as this Court deems appropriate.

**CONSOLE MATTIACCI LAW**

Date: April 20, 2018

By:

  
STEPHEN G. CONSOLE  
LANE J. SCHIFF  
1525 Locust Street  
Philadelphia, PA 19102  
(215) 545-7676  
(215) 405-2964 (fax)

Attorneys for Plaintiff,  
Shmuel Eisenbach

# EXHIBIT A

530-2017-00748

**EEOC Charge of Discrimination**  
**Page 2 of 2**

- e) Respondent's articulated reason or my termination was poor performance. However, I never received a negative performance rating. Furthermore, I had never been placed on a performance improvement plan.
- f) Respondent has not terminated other female Senior Managers who took a leave of absence in connection with the birth of a child, including Rebecca Pellini.

**B. Respondent's Stated Reasons**

1) Respondent's stated reason for the termination of my employment is a pretext for discrimination.

C. I believe that Respondent has discriminated against me based on my sex (male) in violation of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e, *et seq.* ("Title VII") as set forth herein. Respondent further terminated me in violation of the FMLA.

RECEIVED  
16 OCT 2018 PM 2:59  
EEOC  
PA

INFORMATION FOR COMPLAINANTS & ELECTION OPTION  
TO DUAL FILE WITH THE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Shmuel Eisenbach v. Ernst & Young U.S. LLP

EEOC No. 530-2017-00748

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which would affect the outcome of your case.

Complaints filed with the PHRC must be filed within 180 days of the act(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with the PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with the PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

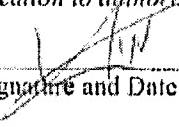
If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

[Sign and date appropriate request below]

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

I understand that false statements in this complaint are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

X

  
Signature and Date

10/27/16

I do not want my charge dual filed with PHRC

  
Signature and Date

# EXHIBIT B

EEOC Form 161-B (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Shmuel Eisenbach

Penn Valley, PA 19072

From: Philadelphia District Office  
801 Market Street  
Suite 1300  
Philadelphia, PA 19107On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

530-2017-00748

EEOC Representative

Legal Unit,  
Legal Technician

Telephone No.

(215) 440-2828

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination In Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Jamie R. Williamson,  
District Director

1/23/18

(Date Mailed)

Enclosures(s)

cc: ERNST & YOUNG LLP  
Lisa Swanson (For Respondent)  
Assistant General Counsel  
General Counsel's Office  
5 Times Square  
New York, NY 10036

Lane J. Schiff, Esq. (for Charging Party)  
CONSOLE LAW  
1525 Locust Street  
9th floor  
Philadelphia, PA 19102